

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PETER M. BERNEGGER,

Plaintiff,

v.

Case No. 07-C-1028

WASHINGTON MUTUAL, F.A., et al.,

Defendants.

PETER M. BERNEGGER,

Plaintiff,

v.

Case No. 08-C-335

JAY J. PITNER,

Defendant.

ORDER

Plaintiff Peter M. Bernegger filed this pro se lawsuit against several financial institutions and their attorneys, asserting multiple common law tort claims, and alleging violations of his rights under the United States Constitution, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, and the Consumer Credit Protection Act, 15 U.S.C. § 1601, *et seq.* Bernegger has now filed an expedited motion for a temporary restraining order, in which he claims that Defendant Gray & Associates (“Gray”), as well as Defendants Steven Zablocki and Jay Pitner, attorneys at Gray, failed to disclose payments they made to Defendant Fidelity National Information Services, Inc. (“Fidelity”) in connection with a state court foreclosure action on Bernegger’s property, and a related bankruptcy proceeding. Their actions, Bernegger claims, constituted “fraud on the court.”

Although somewhat unclear, it appears that Bernegger's present motion seeks a temporary restraining order enjoining his eviction from the property at issue in the foreclosure action. With his motion, he has attached a copy of an eviction order entered by the Waupaca County Circuit Court.

As this Court made clear in its order denying Bernegger's previous motion for a preliminary injunction in connection with the state court's confirmation of the sheriff's sale of the property, the Court is precluded from invalidating a prior state court order by the Rooker-Feldman doctrine, which acknowledges that federal district courts lack subject matter jurisdiction to hear claims seeking review of state court judgments. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); see *Brokaw v. Weaver*, 305 F.3d 660, 664 (7th Cir. 2002) ("No matter how erroneous or unconstitutional the state court judgment may be, the Supreme Court of the United States is the only federal court that could have jurisdiction to review a state court judgment."). Accordingly, Bernegger's motion for a temporary restraining order is **DENIED**.

SO ORDERED this 12th day of August, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge